

REAL ESTATE BOARD

MINUTES OF MEETING

February 5, 2007

The Real Estate Board held an emergency telephone conference meeting on February 5, 2007. The following Board members were present:

R. Schaefer Oglesby, Chairman
Nathaniel Brown
Judith L. Childress
Marjorie Clark
Carol F. Clarke (arrived at 10:15 AM)
Florence Daniels
Scott Gaeser
Miles B. Leon (arrived at 10:02 AM)
Byrl Taylor

DPOR staff present for all or part of the meeting included:

Jay DeBoer, Director
David Ashe, Chief Deputy Director
Karen W. O'Neal, Deputy Director
Nick Christner, Deputy Director
Christine Martine, Executive Director
David Dorner, Director of Investigations
Nathan Matthews, Investigator
Jennifer Counts, Investigator
Chris Olson, Administrative Assistant

Eric Gregory from the Office of the Attorney General was present.

Chairman Oglesby called the meeting to order at 10:00 AM

Call to Order

A determination of quorum was made by roll call. Board members verbally stating present were: Mr. Oglesby, Mr. Brown, Ms. Childress, Ms. Clark, Ms. Daniels, Mr. Gaeser, and Ms. Taylor.

Roll Call

In the matter of **File Number 2007-02675, Real Estate Board v. Koger Management Group, Inc.**, a motion was made by Mr. Oglesby and seconded by Ms. Daniels that the Real Estate Board meet

Certification of Meeting

on an emergency basis to discuss a possible receivership in accordance with Section 54.1-2108 of the *Code of Virginia*. Members acknowledged hearing and understanding the certification of the meeting by stating "Aye." Roll Call "ayes" were recorded as follows: Mr. Oglesby, Mr. Brown, Ms. Childress, Ms. Clark, Ms. Daniels, Mr. Gaeser, and Ms. Taylor

Mr. Leon arrived at the meeting at 10:02 AM.

**Arrival of Board
Member**

At 10:05 AM. Mr. Gaeser made a motion which was seconded by Ms. Daniels, that the Board recess and the Board immediately reconvene in **closed meeting** for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by § 2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Jay DeBoer, David Ashe, Karen O'Neal, Nick Christner, Christine Martine, David Dorner, Nathan Matthews, Jennifer Counts, Chris Olson, and Eric Gregory.

Closed Session

This motion is made with respect to the matter(s) identified as agenda item(s):

- **File Number 2007-02675, Real Estate Board v. Koger Management Group, Inc.**

At 10:15 AM., a motion was made by Ms Clark and seconded by Ms. Daniels that the Board reconvene in open session.

WHEREAS, the Real Estate Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by this Real Estate Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed

meeting were heard, discussed or considered by the Real Estate Board.

VOTE: 8-0

AYES Brown, Childress, Clark, Daniels, Gaeser, Leon, Oglesby, and Taylor

NAYS: None

ABSENT DURING THE VOTE: Clarke

ABSENT DURING THE MEETING: None

Board Member Carol Clarke arrived at the meeting at 10:15 AM.

Arrival of Board
Member

At 10:17 AM. Ms. Daniels made a motion which was seconded by Mr. Gaeser, that the Board recess and the Board immediately reconvene in **closed meeting** for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by § 2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Jay DeBoer, David Ashe, Karen O'Neal, Nick Christner, Christine Martine, David Dorner, Nathan Matthews, Jennifer Counts, Chris Olson, and Eric Gregory.

Closed Session

This motion is made with respect to the matter(s) identified as agenda item(s):

- **File Number 2007-02675, Real Estate Board v. Koger Management Group, Inc.**

At 10:35 AM., a motion was made by Ms Clarke and seconded by Ms. Daniels that the Board reconvene in open session.

WHEREAS, the Real Estate Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by this Real Estate Board that such closed meeting was conducted in

conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Board.

VOTE: 9-0

AYES Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor

NAYS: None

ABSENT DURING THE VOTE: None

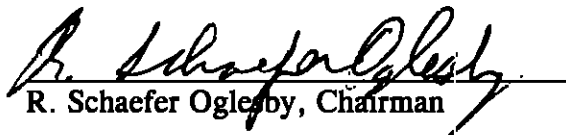
ABSENT DURING THE MEETING: None

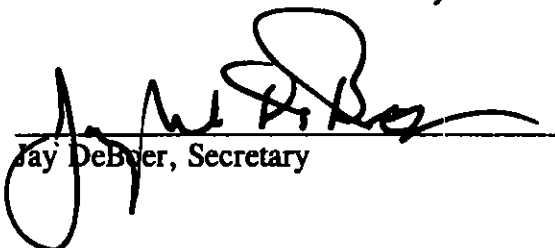
In the matter of **File Number 2007-02675, Real Estate Board v. Koger Management Group, Inc.**, a motion was made by Ms. Daniels and seconded by Mr. Gaeser that the Office of the Attorney General pursue receivership in accordance with the terms of the statute as well as any other legal action necessary to protect the public's interests. Members acknowledged hearing and understanding the motion by stating "AYE." Roll call "ayes" were recorded as follows: Mr. Oglesby, Mr. Brown, Ms. Childress, Ms. Clark, Ms. Clarke, Ms. Daniels, Mr. Gaeser, Mr. Leon, and Ms. Taylor.

File Number 2007-02675,
Real Estate Board v.
Koger Management
Group, Inc.

The meeting adjourned at 10:43 AM.

Adjourn


R. Schaefer Oglesby, Chairman


Jay DeBoer, Secretary